IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION (C) NO. 248 OF 2007

PETITIONER : Jhingudas S/o Balidas Panika, aged about 57 years, Kotwar, R/o Village-Kaitha, P.H. No. 4, Revenue Circle and Tahsil Bilaigarh, District Raipur (C.G.)

W.P. No. 1133/07
Presented by Pushpa Mittal
dated 8/2/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary Revenue Department, D.K.S. Bhawan Raipur, District Raipur (C.G.)
2. The Collector, Raipur District Raipur (C.G.)
3. The Additional Collector Baloda Bazar District Raipur (C.G.)
4. Sub-Divisional Officer Bilaigarh, District Raipur (C.G.)
5. Tahsildar Tahsil Bilaigarh, District Raipur (C.G.)
6. Manmati Daughter of Nankidas, R/o Village-Kaitha, P.H. No. 4, Revenue Circle and Tahsil Bilaigarh, District Raipur (C.G.)

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(49)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (C.) NO.248 OF 2007

Petitioner : Jhingudas

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Rakesh Pandey, counsel for the petitioner.
Mr. A.S.Kachhawaha, Government Advocate for the State/respondents No.1 to 5.
None appears for respondent No.6.

ORDER

(Passed on 14th Day of February, 2007)

Learned counsel appearing for the petitioner submits that the Board of Revenue, in its order dated 15-12-2006 (P-1), has not appreciated the facts correctly while upholding the order dated 13-2-2006 passed by the Additional Collector, Baloda Bazar.

2. I have perused both the orders and heard learned counsel appearing for the petitioner and learned counsel appearing for the State/respondents No.1 to 5.

3. On perusal, it appears that the facts, appreciated by the Additional Collector thereafter approved by the Board of Revenue, are in accordance with the documents produced before the authorities.

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There is no infirmity in the appreciation of the facts as well as in decision-making process. This Court, in exercise of its jurisdiction under Article 227 of the Constitution of India, cannot sit as an appellate authority. There is no error in decision-making process and the decision has been passed on the basis of concurrent findings of facts recorded by the Additional Collector and approved by the Board of Revenue. The impugned order dated 15-12-2006 (P-1) is unexceptionable and does not call for any interference.

4. Thus, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal